

REMARKS

Claims 1-12 are withdrawn from consideration. Claim 16 is cancelled. Claims 13, 17 and 22-24 are amended. No new subject matter is added.

In the Drawings

FIG. 9B is objected to because it allegedly does not provide support for the features recited in claim 15 of the storage node contact having a longer cross-section in the second direction than the contact pad.

The applicants note that the feature that is allegedly not supported is actually found in claim 16. The complete feature, as recited in claim 16, reads as follows: “a cross-sectional length of *the bottom of the storage node contact* in the first direction and in the second direction is longer than a cross-sectional length of the contact pad in the first direction and in the second direction, respectively” (emphasis added).

The above feature of claim 16 is fully supported by FIG. 13B of the application as filed, as described on page 5, lines 22-26 of the specification as filed.

A replacement sheet for FIGs. 13A and 13B is hereby submitted in the Appendix following page 11 of this application that has numerical references added for the storage node contact 280 and the contact pad 230.

For the above reasons, the applicants believe the objection to the drawings is removed.

In the Specification

The specification is objected to because it allegedly does not provide proper antecedent basis for the claimed subject matter. In particular the claim 20 feature of “wherein a cross sectional length of the capping layer in the first direction is longer than a cross sectional length of the bit-line in the first direction” is allegedly not supported by the specification.

To the contrary, page 6, lines 11-13 and FIG. 13C of the original specification fully supports the recited feature of claim 20. For the above reason, the applicants believe the objection to the specification is removed.

Claim Rejections – 35 USC § 112

Claims 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. The applicants disagree.

Claim 13 recites “a second inter-insulation layer.” Claim 22 recites that the claim 13 feature of providing the silicon substrate including the gate and the contact pads comprises, *inter alia*, forming “a first inter-insulation layer.” This recitation of first and second inter-insulation layers is consistent with the embodiments of the invention described in the specification.

Claim 17 recites, in line 3, forming “an insulation layer”. Lines 4-5 of claim 17 recite “the insulation layer.” This recitation of an insulation layer is consistent with the embodiments of the invention described in the specification.

Thus, the applicants have made a distinction in the claims between the recited first and second *inter-insulation* layers and the recited *insulation* layer (emphasis added). This distinction is consistently followed throughout the specification. Terms explicitly recited in the claims must be interpreted consistently with the specification. See, e.g., MPEP 2111. Thus, the distinction that the applicants ascribe to “inter-insulation layers” and “insulation layer” in the specification must also be applied to the claims. Since the terms “inter-insulation layer” and “insulation layer” are distinct in appearance as well as meaning, the applicants submit that the subject matter of the claimed invention is distinctly claimed.

Claim 13 is amended to recite “first one of the contact pads” and “second one of the contact pads.” This feature is fully supported at, e.g., FIG. 13A, which shows a contact plug 280 and a bit line 320 connected to separate contact pads 230. Claims 22, 23, and 24 are amended for consistency with claim 13.

For the above reasons, the applicants believe this rejection to the claims is removed.

Claim Rejections – 35 USC § 102

Claim 13 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,436,758 to Jang (“Jang”). The applicants disagree.

Claim 13 is amended to recite the features that were previously contained in claim 16. For example, claim 13 now recites, *inter alia*, a cross-sectional length of the bottom of the storage node contact in the first direction and in a second direction is longer than a cross-sectional length of the first contact pad in the first direction and in the second direction, respectively.

To the contrary, Jang's alleged storage node contact 120 does not have cross-sectional lengths in the first and second directions that are longer than the cross-sectional lengths of the alleged contact pads 102/104 in the first and second directions (see, e.g., Jang FIG. 4C).

Consequently, Jang fails to anticipate claim 13 because it does not disclose the invention in as complete detail as is contained in the claim. MPEP 2131, *citing* Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

The applicants note that amending claim 13 to contain features recited in original claim 16 is not an amendment that triggers a subsequent final office action because it is an amendment that should reasonably have been expected to be made. MPEP 706.07(a), *citing* MPEP 904 *et seq.*

Claim 13 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 20030232471 to Yokoyama ("Yokoyama"). The applicants disagree.

As indicated above, claim 13 now recites, *inter alia*, a cross-sectional length of the bottom of the storage node contact in the first direction and in a second direction is longer than a cross-sectional length of the first contact pad in the first direction and in the second direction, respectively.

To the contrary, Yokoyama's alleged storage node contact 7 does not have cross-sectional lengths in the first and second directions that are longer than the cross-sectional lengths of the alleged contact pads 3/4 in the first and second directions (see, e.g., Yokoyama FIG. 3).

Consequently, Yokoyama fails to anticipate claim 13 because it does not disclose the invention in as complete detail as is contained in the claim. MPEP 2131, *citing* Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Claims 13 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 20020173094 to Park et al. ("Park"). The applicants disagree.

As indicated above, claim 13 now recites, *inter alia*, a cross-sectional length of the bottom of the storage node contact in the first direction and in a second direction is longer than a cross-sectional length of the first contact pad in the first direction and in the second direction, respectively.

To the contrary, Park's alleged storage node contact 60 does not have cross-sectional lengths in the first and second directions that are longer than the cross-sectional lengths of the alleged contact pads 50 in the first and second directions (see, e.g., Park FIG. 10).

Consequently, Park fails to anticipate claim 13 because it does not disclose the invention in as complete detail as is contained in the claim. MPEP 2131, *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

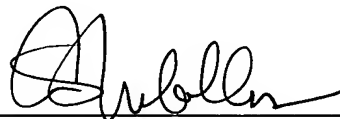
Claim 15 depends from claim 13. Consequently, Park fails to anticipate claim 15 because each and every feature inherent to claim 15 is not found in Park, for the reason given above. MPEP 2131.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 13-15 and 17-24 of the application as amended is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

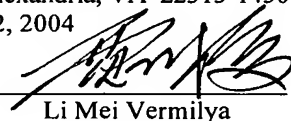
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